

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

Earl Richardson,

Plaintiff,

v.

Case No. 3:17-cv-226
Judge Thomas M. Rose
Mag. Judge Michael J. Newman

TI Automotive Group Systems, *et al.*,

Defendants.

**DECISION AND ORDER ADOPTING REPORT AND
RECOMMENDATIONS, (ECF 20), AND DENYING PLAINTIFF'S
MOTIONS TO CLARIFY. (ECF 18, 19).**

This case is before the Court on Magistrate Judge Michael J. Newman's Report and Recommendations, (ECF 20), Plaintiff Earl Richardson's Motion to Clarify (ECF 18) and Second Motion to Clarify, (ECF 19).

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a *de novo* review of the record in this case. Upon said review, the Court finds that the motions, (ECF 18 & 19), are not well taken and they are hereby **DENIED**. Wherefore, the Court **ADOPTS IN FULL** the Magistrate Judge's Report and Recommendations. (ECF 20.) The case remains terminated.¹

¹ The Court notes that Plaintiff has filed a Notice of Appeal. ECF 21. "[A] district court presented with a Rule 60(b) motion after a notice of appeal has been filed should consider the motion and assess its merits. It may then deny the motion or indicate its belief that the arguments raised are meritorious. If the district court selects the latter course, the movant may then petition the court of appeals to remand the matter so as to confer jurisdiction on the district court to grant the motion." *Mahone v. Ray*, 326 F.3d 1176, 1180 (11th Cir. 2003) (citing *Bovee v. Coopers & Lybrand, C.P.A.*, 272 F.3d 356, 359 n. 1 (6th Cir. 2001)). Here, no remand is necessary, as the motion is denied.

DONE and **ORDERED** this Friday, January 12, 2018.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE